REMARKS

Applicants appreciate the careful consideration provided by the Examiner in the final Office Action of July 31, 2007. By this submission, claims 1, 4, 6-7, 10-21, 23-26, and 33 are amended. Claims 2-3 are as originally presented. Claims 34-36 are previously presented, while claims 5, 8-9, 22, and 27-32 are canceled. Claims 1-4, 6-7, 12-15, 20-21, 23-24, and 33-41 are therefore pending. The Action is summarized as follows:

1. The specification is objected to on the grounds that the title is not descriptive.

2. Claims 1-3, 6- 7, 12, 14-16, 20, 23-24 and 33-36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,765,568 issued to Swift et al (hereinafter "Swift") in view of U.S. Patent 6,023,277 issued to Osaka et al (herein "Osaka").

3. Claims 4, 13, 17 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Swift in view of Osaka, in further view of U.S. Patent 5,581,625 issued to Connell (hereinafter "Connell") and in further view of U.S. Patent 6,496,598 issued to Harman (hereinafter "Harman").

4. Claims 10, 18 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Swift in view of Osaka in further view of U.S. Patent 6,233,004 issued to Tanaka (hereinafter "Tanaka").

5. Claims 11, 19 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Swift in view of Osaka in further view of U.S. Patent 6,005,607 issued to Uomori et al (hereinafter "Uomori").

Applicants respectfully traverse all the rejections and objections to the claims. Applicants have amended the claims in order to expedite prosecution.

OBJECTION TO THE TITLE

Applicants respectfully traverse the objection to the title, but in order to expedite prosecution have the amended the title.

REJECTIONS UNDER 35 U.S.C. §103(a)

With respect to claim 1, the Action indicates that Swift teaches each of the features of the claim with the single exception of header control information. While there are some similarities between embodiments of the present invention and Swift, claim 1 is patentably distinguishable over Swift.

The first paragraph of amended claim 1 states:

reception means for receiving a parameter for displaying three-dimensional image data, said parameter including information data indicating a camera arrangement that has picked up said three-dimensional image data, and at least one of information data indicating a method of generating three-dimensional image data from data of the picked up image and information data for controlling presentation of said three-dimensional image data;

The Action states that Swift teaches a parameter that includes information data for controlling display of three-dimensional image data, citing column 3, lines 24-26, 47-50 and column 2, lines 28-41. The Action interprets Swift's "tag" as the parameter recited in claim 1. However the "tag" does not store the same type of information that is stored by the parameter.

Swift appears to store only the "format" of the media file. The reference states, "Since the format of the original left and right sources are known, as designated by the tag within the Stereoscopic 3D Media file, the scaling can be done while persevering stereo." See Swift at column 3, lines 47-50. It appears that by knowing the format of the media file, Swift can then scale the image, while simultaneously maintaining stereo.

It would seem that by use of the term "format", the reference means to indicate a "storage method" or *how* the image data is stored. This is born out in the only other two passages of the reference where the tag is discussed. At column 5, line 60 the reference states:

To scale stereo media, the left and right source must be preserved. Since the format of the original left and right is known, as designated by the tag within the Stereoscopic 3D Media file, the scaling can be done while preserving stereo. The system will look at the storage method used, and then take the appropriate actions to scale the media while preserving the stereo. Scaling may done to increase or decrease the display size of the stereoscopic media.

This paragraph is again repeated at column 6, line 6. At best then, the information stored in the tag appears simply to indicate the storage method used from which scaling can be performed. Thus Swift does not disclose a parameter including information data indicating a camera arrangement that has picked up said three-dimensional image data.

The Action does state that Swift teaches camera arrangement (in its rejection of claim 4 and other similar claims) at column 10 lines 52-65 and Fig. 19. That passage states:

Another embodiment allows new right and left image views to be generated to simulate a new stereoscopic camera separation. Some viewers may find it hard to view some images if the original cameras were separated by a large amount. The current embodiment utilizes image interpolation and morphing techniques to synthesize a new right and left image that are closer together. The same technique can be used to simulate a wider stereoscopic camera separation to increase the depth effect. The amount of adjustment can be selected by the user to suit their viewing condition and capabilities.

This passage merely indicates that an embodiment of Swift *performs image editing* when reproducing three-dimensional images. This passage does not indicate that information data indicating a camera arrangement that has picked up three-dimensional image data is stored in a parameter.

With respect to the second paragraph of claim 1, the Action indicates that Swift teaches "three-dimensional display control information generation means..." at column 4, lines 6-11 and column 11, lines 12-16. However, these passages merely indicate an encoding process is used for compressing left and right image *data*. There is no mention whatsoever of ***encoding of a parameter*** storing the kind of information recited by the first paragraph of claim 1.

Specifically as to the third paragraph of claim 1, the Action states that Swift, at column 3, lines 24-26, 47-50 and column 8, lines 11-20, teaches the features of file generation based on both three-dimensional image display control information and three-dimensional image data.

However, as described above the reference simply does not teach control information through an encoded parameter as is required by the claim. That is to say, while Swift could possibly be interpreted as teaching a file containing three-dimensional image data, it does not teach generating a file with control information via an encoded parameter. In a nutshell Swift does not actually stand for the propositions indicated by the Action related to the features of claim 1.

This situation is a result of the fact that the inventions are directed to fundamentally different processes. In Swift, a single media file format is converted to various display formats on the *user* side. In contrast, embodiments of the present invention relate to an image data generation apparatus adding attribute information (via a parameter) to image data when image data for three-dimensional display is generated in a file, an image data reproduction apparatus, and an image data recording medium.

With respect to amended independent claims 12, 16, 20, 33, and 40, these claims each recite features similar to that of claim 1, and are viewed as distinct from Swift for the reasons discussed above.

With respect to amended independent claims 10, 18, and 25, these claims relate to an image data generation apparatus, image data reproduction method, and image data recording medium, respectively. Each of these claim share common features, including primarily the recitation that both an image pick-up condition and three-dimensional image data, or at least two-dimensional image data are encoded in a parameter that is stored in a multimedia file. The claims additionally recite that the pick-up condition relates to the number of horizontal parallaxes as well the number of parallaxes perpendicular thereto.

Related to the discussion above regarding claim 1, Applicants respectfully assert that the primary reference Swift simply fails to disclose encoding a parameter with image pick-up condition information in a multimedia file. At best, Swift teaches a tag that appears simply to indicate the storage method used from which scaling can be performed. Applicants assert that

claims 10, 18, and 25 are distinguishable over Swift for at least this reason and/or for the further features claimed therein.

With respect to independent claims 11, 19, and 26, these claims also relate to an image data generation apparatus, image data reproduction method, and image data recording medium, respectively. Each of these claim also include the recitation that both an image pick-up condition and three-dimensional image data, or at least two-dimensional image data are encoded in a parameter that is stored in a multimedia file. Applicants assert that claims 11, 19, and 26 are distinguishable over Swift for the same reasons as discussed above for claims 10, 18, and 25.

Legal Standard for Obviousness Rejections

To establish a *prima facie* case of obviousness, the prior art references when combined must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Additionally, there must be a reason why one of ordinary skill in the art would modify the reference or combine reference teachings to obtain the invention. *KSR International Co. v Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007). The Office Action fails to make out a *prima facie* case of obviousness with respect to claims 1, 12, 16, 20, and 33 because the primary reference, Swift, does not teach every element of the claim, as discussed above. Further, the secondary reference, Osaka, does not supply the missing features. Claims 1, 12, 16, 20, and 33 are viewed as allowable for at least this reason.

With respect to claims 10-11, 18-19, and 25-26, Applicants assert that the Office Action fails to make out a *prima facie* case of obviousness because the primary reference, Swift, does not teach every element of the claim, as discussed above. Further, neither Osaka, Tanaka, nor Uomori supply the missing features. Claims 10-11, 18-19, and 25-26 are viewed as allowable for at least this reason.

Claims 2-4, 6-7, 13-15, 17, 21, 23-24 and 34-36 are all dependent from the independent claims cited above. These claims are viewed as allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Conclusion

In view of the above amendments and remarks, it is believed that the application is in condition for allowance. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact James M. Alpert, Reg. No. 59,926 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By _____

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